
**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 23-7010

CONRAD SMITH, DANNY MCELROY, BYRON EVANS,
GOVERNOR LATSON, MELISSA MARSHALL,
MICHAEL FORTUNE, JASON DEROCHE,
AND REGINALD CLEVELAND,

Appellees,

v.

DONALD J. TRUMP, et al.,

Appellant.

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Counsel for Appellees

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to this Court's January 27, 2023 Order and D.C. Circuit Rule 28(a)(1)(A), the undersigned counsel certifies the following:

A. Parties and Amici Curiae**Appellant**

Appellant is Donald J. Trump, solely in his personal capacity.

Appellees

Appellees are Conrad Smith, Danny McElroy, Byron Evans, Governor Latson, Melissa Marshall, Michael Fortune, Jason DeRoche, and Reginald Cleveland, the Plaintiffs in the District Court.

Defendants in the District Court

In addition to the Appellant, Defendants in the District Court are as follows:

Donald J. Trump for President, Inc.; Make America Great Again PAC; Stop the Steal L.L.C.; Brandon J. Straka; Proud Boys; Proud Boys International, L.L.C.; Enrique Tarrio; Ethan Nordean; Joseph R. Biggs; Zachary Rehl; Charles Donohoe; Dominic Pezzola; Oath Keepers; Stewart Rhodes; Thomas E. Caldwell; Jessica Watkins; Kelly Meggs; Alan Hostetter; Russel Taylor; Erik Scott Warner; Felipe Antonio "Tony" Martinez; Derek Kinnison; and Ronald Mele. The Amended Complaint also named Ali Alexander and Roger J. Stone, Jr., as Defendants, but the District Court has dismissed all claims against those parties.

Amici

An amici brief was filed by Reconstruction Era Scholars Gregory P. Downs, Laura F. Edwards, Kate Masur, and George A. Rutherglen in support of Plaintiffs-Appellees in opposition to the motions to dismiss. Brief of *Amici Curiae* Reconstruction Era Scholars in Support of Plaintiffs' Opposition to Motions to Dismiss, *Smith v. Trump*, Case 21-cv-2265-APM (D.D.C. Jan. 24, 2022), ECF No. 123.

B. Ruling Under Review

On January 26, 2023, the Honorable Amit Mehta issued a Memorandum Opinion and Order granting in part and denying in part defendants' motions to dismiss. *Smith v. Trump*, Case 21-cv-2265-APM, 2023 WL 417952 (D.D.C. Jan. 26, 2023), ECF No. 179. The sole issue presented for review is the district court's determination that presidential immunity did not bar the lawsuit from proceeding against Donald J. Trump.

C. Related Cases

The following related cases are currently pending in the United States District Court for the District of Columbia with appeals currently before the D.C. Circuit.

1. *Thompson v. Trump*, Case 21-cv-400-APM (D.D.C.), *on appeal* No. 22-7031 (D.C. Cir.)
2. *Swalwell v. Trump*, Case 21-cv-586-APM (D.D.C.), *on appeal* No. 22-7030 (D.C. Cir.)
3. *Blassingame v. Trump*, Case 21-cv-858-APM (D.D.C.), *on appeal* No. 22-5069 (D.C. Cir.)

4. *Moore v. Trump*, Case 22-cv-100-APM (D.D.C.), *on appeal* No. 22-7120 (D.C. Cir.)
5. *Tabron v. Trump*, Case 22-cv-11-APM (D.D.C.), *on appeal* No. 22-7121 (D.C. Cir.)
6. *Kirkland v. Trump*, Case 22-cv-34 (D.D.C.), *on appeal* No. 22-7122 (D.C. Cir.)

Dated: February 27, 2023

/s/ Edward G. Caspar

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